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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,846	04/12/2002	Motoki Kato	450101-03169	2298
20999	7590	12/01/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				TEKLE, DANIEL T
ART UNIT		PAPER NUMBER		
				2621

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/018,846	KATO ET AL.	
	Examiner Daniel Tekle	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 April 2002.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 12-15 and 28-70 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 12-15 and 28-70 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 04/12/02 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/15/04;01/05/06;12/19/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-15, 28-37, 69-70 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A “**computer readable program**” not claimed as “**embodied in and executed by a computer-readable medium**” is descriptive material per se and is not statutory because it is not capable of causing functional change in the computer. Such claimed data structures do not define any structural and functional interrelationships with the other claimed aspects of the invention, which permit the data structure’s functionality to be realized. In contrast, a claimed “**computer readable medium encoded with a computer program when executed comprising**” defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the functionality to be realized, and is thus statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 12-15 and 28-70 rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al (US 64458677).

Regarding Claim 12: Okada et al. discloses an information processing method for reproducing AV stream data from a recording medium, comprising: a reproducing step of reproducing one of a first table describing the relation of correspondence between presentation time stamp and an address in said AV stream data of a corresponding access unit and a second table describing the relation of correspondence between arrival time stamp derived form the arrival time point of a transport packet and an address in AV stream data of a corresponding transport packet, from recording medium, which has first table or second table recorded thereon depending on a recording method (**column 20 lines 57-67 and column 21 lines 1-18**); and a controlling step of controlling the outputting of AV stream data based on the reproduced table (**column 25 lines 20-23**).

Regarding claim 13-15: Claim 13-15 are rejected for the same subject matter as claim 12.

Regarding Claim 28: Okada et al. discloses an information processing apparatus for recording AV stream data on a recording medium, comprising: a controller for generating a first table describing the relation of correspondence between presentation time stamp and an address in AV stream data of a corresponding access unit, or a second table describing the relation of correspondence between arrival time stamp derived from the arrival time point of a transport packet and an address in AV stream data of a corresponding transport packet (**column 18 lines 54-65**); and a recorder for

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recording one of the first and second tables, as selected depending on a recording method, on recording medium along with AV stream data (**column 17 lines 41-45**).

Regarding Claim 29: Okada et al. discloses the information processing apparatus according to claim 28 wherein first table is EP_map (**column 21 lines 5-18**); and wherein second table is TU_map (**column 20 lines 57-67 and column 21 lines 1-4**).

Regarding Claim 30: Okada et al. disclose an information processing apparatus according to claim 28 wherein controller selects second table in case of non-cognizant recording (**column 20 lines 63-66**).

Regarding Claim 31: Okada et al. disclose the information processing apparatus according to claim 28 wherein controller selects first table in case of self-encoding recording (**column 13 lines 1-5**).

Regarding Claim 32: Okada et al. disclose the information processing apparatus according to claim 28 wherein controller selects first table in case of cognizant recording (**column 21 lines 5-18**).

Regarding Claim 33: Okada et al. disclose the information processing apparatus according to claim 28 wherein controller generates the identification information indicating which of first and second tables have been recorded; recorder memorizing identification information (**column 17 lines 53-67 and column 18 lines 1-7**).

Regarding Claim 34: Okada et al. disclose the information processing apparatus according to claim 33 wherein controller manages control so that, if first table is recorded along with AV stream data, the time of the reproduction domain of AV stream

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data is controlled based on the presentation time basis and wherein if second table is recorded along with AV stream data, the time of the reproduction domain of AV stream data is controlled based on the arrival time basis (**column 17 lines 53-67, column 18 lines 1-18 and column 20 line 40**).

Regarding claim 35-37: Claim 35-37 are rejected for the same subject matter as claim 28.

Regarding claim 38: Claim 38 is rejected for the same subject matter as claim 12.

Regarding Claim 39: Okada et al. disclose an Information processing apparatus for processing audio and/or picture information, comprising: an input operable to input audio and/or picture information (**column 1 lines 8-14**); a controller operable to generate characteristic point information comprised of (i) an entry point map describing the relationship between a presentation time stamp of an entry point and an address of a respective entry point, or (ii) a time unit map describing the relationship between an arrival time stamp of a time unit and an address of a respective time unit in accordance with a type of input audio and/or picture information (**column 20 lines 57-67 and column 21 lines 1-18**); and an output operable to output the entry point map or the time unit map (**column 18 lines 1-8**).

Regarding Claim 40: Okada et al. disclose an apparatus of claim 39, further including a recorder operable to record audio and/or picture information and the characteristic point information on a recording medium (**column 18 lines 1-8**).

Regarding Claim 41: Okada et al. discloses an apparatus of claim 40 wherein controller generates the entry point map when the input audio and/or picture information is converted to self-encode stream format (**column 13 lines 1-5**).

Regarding Claim 42: Okada et al. discloses an Information processing apparatus for processing audio and/or picture information, comprising: an input operable to input audio and/or picture information (**column 1 lines 8-14**); a controller adapted to generate (i) an entry point map describing the relationship between a presentation time stamp of an entry point and an address of a respective entry point, or (ii) a time unit map describing the relationship between an arrival time stamp of a time unit and an address of a respective time unit (**column 20 lines 57-67 and column 21 lines 1-18**); and a recorder operable to record the audio and/or picture information and the entry point map or the time unit map on a recording medium (**column 1 lines 8-14**).

Regarding claims 43: Okada et al. discloses an apparatus of claim 42, wherein controller generates the time unit map when the entry point map cannot be prepared (**column 19 lines 45-55**).

Regarding claims 44: Okada et al. discloses Information processing apparatus for recording input audio and/or picture information, comprising: a controller operable to generate play list information and map information corresponding to clip information, clip information including audio and/or picture information, play list information including at least one play item designated by an in-point and an out-point of the clip information, map information including (i) an entry point map describing the relationship between a presentation time stamp of an entry point and an address of a respective entry point, or

(ii) a time unit map describing the relationship between an arrival time stamp of a time unit and an address of a respective time unit (**column 11 lines 29-61**); and a recorder operable to store the playlist information, the map information and the clip information on a recording medium (**column 7 lines 15-31**).

Regarding claims 45: Okada et al. disclose the apparatus of claim 44, wherein controller generates the map information for each clip information (**column 11 lines 29-31**).

Regarding claims 46: Okada et al. discloses the apparatus of claim 45, wherein controller generates the map information of the same type for all clip information associated with one play list (**column 11 lines 40-49**).

Regarding claim 47: Claim 47 is rejected for the same subject matter as claim 42.

Regarding claim 48: Claim 48 is rejected for the same subject matter as claim 41.

Regarding claim 49: Claim 49 is rejected for the same subject matter as claim 42.

Regarding claim 50: Claim 50 is rejected for the same subject matter as claim 43.

Regarding claim 51: Claim 51 is rejected for the same subject matter as claim 44.

Regarding claim 52: Claim 38 is rejected for the same subject matter as claim 45.

Regarding claim 53: Claim 53 is rejected for the same subject matter as claim 46.

Regarding claim 54: Okada et al. discloses an apparatus for reproducing audio and/or picture information comprising: a reproducing device for reproducing from a storage medium audio and/or picture information and (i) an entry point map describing the relationship between a presentation time stamp of an entry point of information and an

address of a respective entry point, or (ii) a time unit map describing the relationship between an arrival time stamp of a time unit of said information and an address of a respective time unit in accordance with a type of input audio and/or picture information (**column 20 lines 57-67 and column 21 lines 1-18**); a map recovery unit for recovering the entry point map or the time unit map from storage medium (**column 4 lines 66-67 and column 5 lines 1-7**); and an audio and/or picture information reproducing unit for reproducing the audio and/or picture information associated with the recovered map (**column 5 lines 8-18**).

Regarding claim 55: Okada et al. discloses an apparatus of claim 54, wherein the entry point map is stored on storage medium when the audio and/or picture information is in a self-encode stream format (**column 13 lines 1-5**).

Regarding claims 56: Okada et al. discloses an apparatus for reproducing audio and/or picture information, comprising: a reproducing device for reproducing from a storage medium on which is stored playlist information and map information corresponding to clip information, clip information including audio and/or picture information, playlist information including at least one play item designated by an in-point and an out-point of the clip information, (**column 11 lines 29-61**) map information including (i) an entry point map describing the relationship between a presentation time stamp of an entry point of the clip information and an address of a respective entry point, or (ii) a time unit map describing the relationship between an arrival time stamp of a time unit of the clip information and an address of a respective time unit (**column 20 lines 57-67 and column 21 lines 1-18**); a playlist recovery unit for recovering the

playlist information (**column 4 lines 66-67 and column 5 lines 1-7**); a map recovery unit for recovering the map information (**column 4 lines 66-67 and column 5 lines 1-7**); and a reproducing unit for reproducing the clip information associated with the recovered map information (**column 5 lines 8-18**).

Regarding claims 57: Okada et al. disclose an apparatus of claim 56 wherein respective map information is stored for each clip information (**column 11 lines 40-49**).

Regarding claims 58: Okada et al. discloses an apparatus of claim 57 wherein map information of the same type is stored for all clip information associated with one playlist (**column 11 lines 40-49**).

Regarding claims 59: Okada et al. discloses a method for reproducing audio and/or picture information comprising the steps of: reproducing from a storage medium audio and/or picture information and (i) an entry point map describing the relationship between a presentation time stamp of an entry point of information and an address of a respective entry point, or (ii) a time unit map describing the relationship between an arrival time stamp of a time unit of information and an address of a respective time unit in accordance with a type of input audio and/or picture information (**column 20 lines 57-67 and column 21 lines 1-18**); recovering the entry point map or the time unit map from storage medium(**column 4 lines 66-67 and column 5 lines 1-7**); and reproducing the audio and/or picture information associated with the recovered map(**column 5 lines 8-18**).

Regarding claims 60: Okada et al. discloses the method of claim 59, wherein the entry point map is stored on storage medium when the audio and/or picture information is in a self-encode stream format (**column 13 lines 1-5**).

Regarding claim 61: Claim 61 is rejected for the same subject matter as claim 56.

Regarding claim 62: Claim 62 is rejected for the same subject matter as claim 57.

Regarding claim 63: Claim 63 is rejected for the same subject matter as claim 58.

Regarding claim 64: Claim 64 is rejected for the same subject matter as claim 42.

Regarding claim 65: Claim 65 is rejected for the same subject matter as claim 42.

Regarding claim 66: Claim 66 is rejected for the same subject matter as claim 44.

Regarding claim 67: Claim 67 is rejected for the same subject matter as claim 59.

Regarding claim 68: Claim 68 is rejected for the same subject matter as claim 56.

Regarding claims 69: Okada et al. discloses a record medium adapted for use with a computer and having recorded thereon an entry point map describing the relationship between a presentation time stamp of an entry point of audio and/or picture information recorded thereon and an address of a respective entry point, or a time unit map describing the relationship between an arrival time stamp of a time unit of information and an address of a respective time unit in accordance with a type of input audio and/or picture information (**column 20 lines 57-67 and column 21 lines 1-18**).

Regarding claims 70: Okada et al. discloses a record medium adapted for use with a computer and having recorded thereon playlist information and map information corresponding to clip information, clip information including audio and/or picture information, said playlist information including at least one play item designated by an

in-point and an out-point of the clip information, (**column 11 lines 29-61**) and map information being (i) an entry point map describing the relationship between a presentation time stamp of an entry point and an address of a respective entry point, or (ii) a time unit map describing the relationship between an arrival time stamp of a time unit of the clip information and an address of a respective time unit (**column 20 lines 57-67** and **column 21 lines 1-18**)..

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

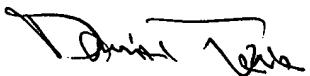
The cited references relate to an apparatus for information recording and reproducing medium.

US 6580869
US 6002834

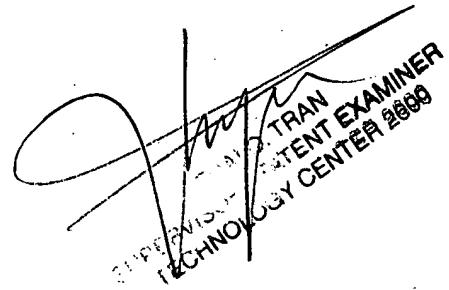
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tekle whose telephone number is 571-270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other F..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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